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794 184 But these diverse characteristics originate at the stage of rustic exchanges between villagers and saints of grounds: and it is at this stage that they may best be analyzed.

Seasonal Rites, Collective Pacts, Individual Contracts

796 Habitat of the sacred: personal or simply communal sanctuaries. Rhythm or phases of the sacred: these periodic renewals marked by agapae, pomp, and sacrifices. Finally, accountancy of the divine: here is a very important third element, perhaps the most striking, and which impresses on the institution a cachet of specific ratiocination and avarice. And although it plunges into collective apprehension and depends narrowly on the recurrence of natural phenomena, it manifests itself under the aspects of individualism and conscience. There is something very remarkable there: the liturgical periodicity, itself linked to the agricultural periodicity, terminates in a contract. [241] [221]

794 212 875 The old jurists from the Sous, who make themselves the echo of quarrels among hamlets for the recompense of the fqih or the repairs on the communal mosque, raised the question of the obligation of the Friday prayer in the case where several hamlets or "bicoques" /shanties/ (in the etymological sense) have together only one mosque, which is not close to any of them. The liaison of this institution with the taqbilt, which is distributed in a plurality of habitat, furnishes an interesting historical suggestion. [634] Another characteristic that one might draw from these jurists is the liaison of the recompense of the fqih to the turns for water, that is, to sum up, to the agnatic order (1). [312] [423]

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1. Ajwiba said to be from "Bennâçer," that is, from the sheik Ibn Nâçir of Tamgrût, ms. zaouia of the Mez'ud'a, p. 54, l. 7 sq. The salary of the fqih is fixed on ayyâm dawlat ᶜuyûni-him. The ar. /Arabic/ dawla, "turn," corresponds to the chl. /Shluh/ tawala. But is there derivation?

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794 875 212 Sometimes, on the contrary, he collects the right to a preference share from the harvest: 1/40 as in a. Lh'sen, 1/30 as in Imt'ddan, etc. /277/ Just as the dues to the saints establish, not the rudiments, but a meticulous system of fiscality, the recompense of the t't'olba, like the collection and the management of the dues, properly establishes in the group an outline of administration. That fully emerges from regular institutions, such as the periodic slaughtering of fresh meat, luzi^{c}t, itself in close relations, though not constant; with the sacrifice to the saints, tighersi. There, as we have shown elsewhere (1),

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1. J. Berque, "Un glossaire arabo-chleuh du Deren (XVIII^{e} siècle)," R. afr., 1950, pp. 383 sq., where these ceremonies are described in full. Bibl. of luzi^{c}t, p. 383, n. 25.

the contractual aspect, appearing in notarial technique, predominates over all the others.

794 675 [585] It is the same for the "stipulations" to the saints, chchard'. One will note the identity of this term with that designating the authorized marriage settlement to the bride over and above the amerwas. Thus there we are in full agreement. An act recorded 175 794 776 675 at the sanctuary of sidi Âbderrah'man b. Messâud, in the Mtugga, illustrates the way in which the great saint of the a. Daud, sidi Sâid u Âbdennâim, founder of a "maraboutic principality" in the Sous, used it to the end of his days. He summoned the H'âh'a and the Mtugga to his bedside. After a pious homily, he requested of them the annual celebration of a mârûf at the beginning of the month of "Berbère /Berber/ March," mars ^{c}ajâmî (sic). They agreed in a great burst of contrition. And of each tribe to take it upon itself spontaneously to pay to the descendants of the saint -- that one barley, that one butter or oil. The whole was styled khidma, "service," and churût', "stipulations." That took place during the tenth century of the Hegira, that is, our sixteenth century. And although precisely this saint has no client among our Seksawa, the text applies to them equally. It indicates

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[171] /329 cont./ theology. The ensemble forms an eloquent, seductive, affable, conquering whole, quite in the Arab manner.

Nothing of the sort in the Seksawa society. The acts, arraten, rrusûm, laçl, constitute there the legitimating base and the ultimate recourse of all possession. The writing bears its force in itself, as worthless, as much a "scrap of paper" as it may appear. Perhaps because it extends the force of such individual attitudes: one has seen this in the case of the istir^{c}â'. But moreover and especially because of its nature as writing. The verbal noun ara, "to write," is attested with the sense of "charm, talisman" in several dialects (1).

1. A Basset, "Six notes de linguistique berbère /Six notes on Berber linguistics/," Ann. I. E. O., t. 5, 1939-41, pp. 16 sq., denies the nevertheless tempting relation between ara, "to write," and tiuri, "curse."

[789] [875] [794] The rural scribe, t'talleb or lfqih, still today concurrently cultivates notarial activity and magical competence, at the same time that he exercises a municipal religious function, that of imam and schoolmaster. This characteristic pluralism has lasted up to our day. It reveals a confusion fraught with lessons between different orders of things that we would readily classify in strongly contrasted categories: official cult, communal organization, education of the children, notariate, more or less clandestine [197] practice of magic. If one adds that Arabic, language of all these acts, has always kept in a certain measure the value of initiatory language and professional speech, one will measure the force that resides in these writings generously prodigalized today by the parties in the course of their litigations. Without exaggeration, one can estimate that, beyond its value as preconstituted proof, it is the act in itself that has an effect most often, ex opere operato, to speak like our Middle Ages.

The very material of the title counts at least as much as its content. In proof, sometimes, of the perfect vacuity of the latter.